

Great Barrier Reef Marine Park Amendment (Special Management Areas) Regulation 2015

Select Legislative Instrument No. 68, 2015

I, General the Honourable Sir Peter Cosgrove AK MC (Ret’d), Governor‑General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 14 May 2015

Peter Cosgrove

Governor‑General

By His Excellency’s Command

Greg Hunt

Minister for the Environment

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1 Name

 This is the *Great Barrier Reef Marine Park Amendment (Special Management Areas) Regulation 2015*.

2 Commencement

 This instrument commences on the day after it is registered.

3 Authority

 This instrument is made under the *Great Barrier Reef Marine Park Act 1975.*

4 Schedules

 Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Great Barrier Reef Marine Park Regulations 1983

1 At the end of regulation 45

Add:

 ; (j) Maritime Cultural Heritage Protection SMA.

2 After regulation 65B

Insert:

66 Maritime Cultural Heritage Protection SMA—declaration

 An area described in Part 1 or 2 of Table 66 is declared to be a Maritime Cultural Heritage Protection SMA having the name set out in the Part heading.

**Table 66 Maritime Cultural Heritage Protection SMA**

Table 66, Part 1 Catalina A24‑25 Maritime Cultural Heritage Protection SMA

 The area bounded by a notional line commencing at 1712.825′S, 1462.134′E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to 1712.825′S, 1462.704′E; |
| 2 | south along the meridian to 1713.395′S, 1462.704′E; |
| 3 | west along the parallel to 1713.395′S, 1462.134′E; |
| 4 | north along the meridian to the point of commencement. |

Table 66, Part 2 Catalina A24‑24 Maritime Cultural Heritage Protection SMA

 The area bounded by a notional line commencing at 1949.988′S, 1488.734′E then running progressively:

|  |  |
| --- | --- |
| 1 | east along the parallel to 1949.988′S, 1489.304′E; |
| 2 | south along the meridian to 1950.558′S, 1489.304′E; |
| 3 | west along the parallel to 1950.558′S, 1488.734′E; |
| 4 | north along the meridian to the point of commencement. |

66A Maritime Cultural Heritage Protection SMAs—special management provisions

 (1) In this regulation:

***fishing or collecting*** has the meaning given by the Zoning Plan.

***under way***: a vessel is taken to be ***under way*** only if the vessel is being propelled (whether by engine, sail or human power) through the water in a forward direction and is not adrift.

***wreck*** has the meaning given by the Zoning Plan.

 (2) A person must not:

 (a) enter a wreck; or

 (b) approach within 100 metres of a wreck (other than in a non‑submersible vessel or aircraft);

in a Maritime Cultural Heritage Protection SMA without the written permission of the Authority.

 (3) A person must not, without the written permission of the Authority, operate a vessel in a Maritime Cultural Heritage Protection SMA, other than for the purpose of transiting through the SMA to a place outside the SMA:

 (a) by the most direct and reasonable route; and

 (b) in such a manner that the vessel is under way at all times when it is in the SMA.

 (4) A person must not anchor or attempt to anchor a vessel, or deploy the vessel’s anchoring equipment, in a Maritime Cultural Heritage Protection SMA without the written permission of the Authority.

 (5)A person must not undertake fishing or collecting in a Maritime Cultural Heritage Protection SMA.

Note: See sections 38BA and 38BB of the Act for, respectively, an offence and a civil penalty provision that apply to a person who engages in conduct that contravenes this regulation.

3 After regulation 88V

Insert:

88VA Limitations on granting permissions to enter or use Maritime Cultural Heritage Protection SMAs—special management provisions

 (1) In this regulation:

***cultural heritage purposes*** means one or more of the following:

 (a) to carry out cultural heritage research;

 (b) to carry out cultural heritage monitoring;

 (c) to carry out works to stabilise wrecks;

 (d) to carry out photography, filming or sound recording that will improve public education about, or understanding of, cultural heritage;

 (e) to carry out ceremonial activities directly relevant to cultural heritage;

 (f) to carry out activities incidental to an activity covered by paragraphs (a) to (e).

***wreck*** has the meaning given by the Zoning Plan.

 (2) The Authority must not grant a permission to a person to use or enter a Maritime Cultural Heritage Protection SMA other than for cultural heritage purposes.